

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 2.106 of the) ET Docket No. 95-18
Commission's Rules to Allocate) RM-7927
Spectrum at 2 GHz for Use by the)
Mobile-Satellite Service)

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COMMENTS OF AMERITECH

I. Introduction

Ameritech respectfully submits these Comments in the above-captioned matter, in response to the Supplemental Comments¹ filed by COMSAT Corporation on March 14, 1996. In that pleading and the accompanying Motion,² COMSAT claims that developments at the 1995 World Radiocommunications Conference ("WRC-95") now make possible a "gradual transition of terrestrial Fixed Services ('FS') from the 2 GHz band".³ On this basis, COMSAT urges the Commission to reverse its tentative

¹ In the Matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, RM-7927, Supplemental Comments of COMSAT Corporation (hereinafter "Supplemental Comments"), filed March 14, 1996.

² In the Matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, RM-7927, Motion of COMSAT Corporation for Leave to File Supplemental Comments (hereinafter "Motion"), filed March 14, 1996.

³ Ibid., at 1.

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decision to clear incumbent FS operators from the band by means of a managed relocation plan similar to that adopted for accommodation of Personal Communications Services ("PCS").⁴ Instead, COMSAT asks the Commission to relieve COMSAT and other potential Mobile Satellite Service ("MSS") operators of any relocation expense incurred for their benefit by the incumbent FS operators. A licensing freeze and other new restrictions on incumbent FS operators are also proposed.

COMSAT's comforting words about a "gradual transition" cannot disguise the fact that the recommendations of WRC-95 would actually accelerate the accrual of exclusive MSS operators' rights to 2 GHz spectrum by five years over previous plans. Moreover, there is no logical basis in WRC-95's record to which COMSAT can point as justification for either its evasion of any financial responsibility for relocation of the incumbent FS operators or the imposition upon them of a licensing freeze and other severe operational limitations. The Commission should reject this unsupported plea for special treatment of hopeful MSS operators, and should instead continue on its present course in this matter. Ameritech continues to support the Commission's proposal for the negotiated sharing of relocation costs incurred by incumbent FS operators who vacate the 2 Ghz band allocated for MSS.

⁴ First Report and Order and Third Notice of Proposed Rule Making, ET Docket No. 92-9, 7 FCC Rcd 6886, at 6890 (1992).

II. Argument

Throughout its pleading, COMSAT claims that various actions taken at WRC-95 suddenly make possible a “gradual transition” to the introduction of MSS in the core 2 GHz MSS bands (at 1980-2010 and 2170-2200 MHz).⁵ This is ostensibly because the parties to WRC-95’s Final Acts have recognized the “fundamental principle that MSS and existing FS microwave systems can share certain band segments at 2 GHz ...”⁶ The harmonious result of this discovery is said to be a plan under which “existing FS microwave operators could have up to nine more years to transition their operations out of the 2 GHz bands overlapping with MSS.”⁷

The concealed pin which bursts this entire balloon is the simple, undisputed fact that COMSAT’s proposal moves up the date on which MSS operators would obtain primary-use rights to the spectrum at issue by five years. In its discussion of the relevant WRC-95 events, COMSAT quietly observes that, under the Commission’s proposed rules, “MSS did not have full access to these bands on a worldwide basis until January 1, 2005. This situation changed at WRC-95 where the world agreed to a common date of January 1, 2000, upon which MSS may access the core 2 GHz bands on a

⁵ Supplemental Comments, at 4. This “gradual transition” language also appears -- often more than once per page -- at 7, 11, 12, 13, 14, 15, 18, 21 (three times), and 22. “Gradual transfer” and “gradual introduction” are also popular phrasings, appearing, e.g., at 5, 8, 12, and 15.

⁶ Supplemental Comments, at 1. COMSAT argues that the framework adopted at WRC-95 “is consistent with COMSAT’s phased transition plan, as submitted in this proceeding on May 5, 1995 ...”. Ibid., at 2.

⁷ Ibid., at 18.

primary basis ...".⁸ Thus, all the calming "gradual transition" language repeated throughout the pleading is nullified by the proposed acceleration of MSS operators' exclusive spectrum rights under COMSAT's scheme.

This simple fact also reveals the absurdity of the proposal that, due to the gentle nature of this "gradual transition," the Commission should relieve COMSAT of any financial responsibility for the relocation costs incurred by incumbent FS operators.⁹ Absent knowledge of this critical fact of the acceleration of the transition period, one might even accept as rational COMSAT's assertion that "given the length of the transition period, there would be no need for MSS to reimburse FS operators for their expenses associated with the gradual transfer to new FS installations outside the 2 GHz MSS bands."¹⁰ The Commission should reject out of hand this request to subsidize COMSAT's MSS undertaking by relieving it of "an impossible economic burden"¹¹ that "prospective MSS operators cannot undertake,"¹² but which is apparently not so big that it could not be borne by the customers of the common carrier FS operators now using the band.

Once grasped, the fact that COMSAT urges the Commission to speed up the forced relocation of incumbent FS operators also reveals the illusory

⁸ Ibid., at 6. This is revealed by COMSAT as a "substantial evolution in the world view"; Ibid.

⁹ Supplemental Comments, at 19.

¹⁰ Ibid. (emphasis added).

¹¹ Supplemental Comments, at 12.

¹² Ibid., at 13.

promise of cordial cooperation by MSS operators during the “gradual transition.” For example, COMSAT says that if, during the shortened takeover of the band by MSS operators, “it becomes necessary to construct a diversity path or even to relocate discrete installations ... to resolve specific cases of harmful interference, COMSAT would agree to enter into negotiations ...”.¹³ Presumably, this offer of cooperation would also remove the need for any Commission arbitration role during this period. Without belaboring the point, it seems highly unlikely that shortening the takeover period while simultaneously removing the Commission’s proposed cost-based framework upon which negotiations depend would have the promised effect.

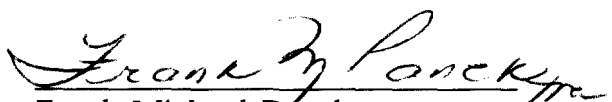
V. Conclusion

For the reasons set forth above, the Commission should continue on its current course with respect to accommodation of emerging MSS technologies and services in the 2 GHz microwave bands. COMSAT’s

¹³ Supplemental Comments, at 21 (fn. 35).

pleading does nothing to change the reasoned basis for the Commission's currently-planned measured transition approach, with its cost-based framework for negotiated relocation of incumbent FS operators.

Respectfully submitted,

A handwritten signature in cursive script, reading "Frank M. Panek".

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Dated: May 17, 1996

CERTIFICATE OF SERVICE

I, Todd H. Bond, do hereby certify that a copy of the foregoing
Comments of Ameritech has been served on all parties of record in this matter
by first class mail, postage prepaid, on this 17th day of May 1996.

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